

REMARKS**Status of the Claims**

Claims 1 – 14 and 16 - 22 are pending in the application. The Examiner indicated that claims 1 – 10, 13, 14, 16 – 19 and 22 have been withdrawn from consideration. Claims 11, 12, 20 and 21 have been rejected. By this response, claim 11 has been amended.

Claims 20 and 21 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 11 and 12 stand rejected under 35 U.S.C. 102(b) as being anticipated by Reeder (US 4,682,513).

Applicant requests withdrawal of the finality of the office action, entry of the foregoing amendments, reconsideration of the claim rejections and re-examination of the application in view of the foregoing amendments and the following remarks. No new matter has been added by the foregoing amendments.

Claims 1 – 10, 13, 14, 16 – 19 and 22 have been erroneously withdrawn from consideration

Applicant submits that claims 1 – 10, 13, 14, 16 – 19 and 22 have been withdrawn in error and that these claims should not be withdrawn, but rather remain pending. MPEP 821.03, referenced by the Examiner, explicitly states that “the practice set forth in this section is not applicable where ... applicant presents claims that could not have been restricted from the claims drawn to other elected invention had they been presented earlier.”

In this instance, the addition to claims 1 and 16 of the recitations of a conduit and a flexible core element extending through the conduit, such that the claims are directed to cable assemblies, does not provide justification under 37 CFR 1.145 for requiring restriction. In particular, pending (i.e. constructively elected) claim 21 is directed to a cable assembly having terminal connectors, each having a swivel tube with a flexible core element receiving bore, and

a conduit connecting the terminal connectors. Thus, with reference to claim 21, Applicant respectfully submits that the amended claims 1 – 10, 13, 14, 16 – 19 and 22 could not have been restricted from the invention had they been presented earlier.

Thus, Applicant requests that the withdrawal of these claims be withdrawn and that claims 1 – 10, 13, 14, 16 – 19 and 22 remain pending and under consideration.

Further, as the withdrawal of claims 1 – 10, 13, 14, 16 – 19 and 22 was in error and claims 1 – 10, 13, 14, 16 – 19 and 22 should have been considered in the present office action, Applicant respectfully requests that the Examiner withdraw the finality of the present office action and reissue an office action that addresses all of the properly pending claims.

Claims 20 and 21 are Patentable under 35 U.S.C. 112

Claims 20 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection is respectfully traversed.

The Examiner indicated that it is unclear how the swivel tube, the sleeve, the isolator material and the cover are part of the terminal assembly.

Claim 20 recites, among other things:

- a terminal connector comprising an elongate body having an abutment end, ...;

- a swivel tube having an end and a flexible core element receiving bore, the end extending into the abutment end of the elongate body;

- a sleeve extending at least partially into the free end of the elongate body;

- an isolator material; and

- a cover mounted to the free end of the elongate body and longitudinally capturing the sleeve and the isolator material to the elongate body.

Claim 21 contains similar recitations. Applicant respectfully submits that these recitations

particularly point out and distinctly claim the essential structural cooperative relationships of the swivel tube, the sleeve, the isolator material, the cover and the terminal connector. Applicant further refers the Examiner to the FIG. 7 and page 20, lines 13-19, of the specification.

Applicant respectfully requests withdrawal of the 35 U.S.C. 112 rejections.

Claims 11 and 12 are Patentable under 35 U.S.C. 102

Claims 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Reeder (US 4,682,513). The rejection is respectfully traversed.

Amended claim 11 recites, among other things:

a first arm unitary with and extending from the elongate body in a plane, having a proximal end and a distal end and comprising a first projection extending from a surface of the first arm in a direction offset from the plane of the first arm, and

a second arm unitary with and extending from the elongate body in a plane, having a proximal end and a distal end and comprising a second projection extending from a surface of the second arm in a direction offset from the plane of the second arm,

wherein the first arm comprises a first tab member extending from the distal end of the first arm in a direction offset from the plane of the first arm and wherein the second arm comprises a second tab member extending from the distal end of the second arm in a direction offset from the plane of the second arm, wherein the first tab member and the second tab member each facilitate flexure of the first arm and the second arm, respectively, when the first tab member and the second tab member are moved toward the longitudinal axis of the bore.

Reeder discloses first and second projections extending from connector tabs 46. The first (larger) projection extends in toward the longitudinal axis of component 12. The second (smaller) projection extends in a direction parallel to the plane of the connector tab 46. Reeder

fails to disclose a first projection extending from a surface of the first arm in a direction offset from the plane of the second arm and a first tab member extending from the distal end of the first arm in a direction offset from the plane of the first arm. Rather, the smaller of Reeder's projections extends in a direction parallel to the plane of the tab.

As Reeder fails to disclose each and every element of amended claim 11, Reeder fails to anticipate claim 11. Claim 12 depends from claim 11 and contains additional recitations thereto. For at least the above reason, Reeder fails to anticipate claim 11.

Conclusion

Applicant respectfully requests entry of the above amendments. The Commissioner is hereby authorized to charge any additional fees or credit overpayment to Deposit Account No. 19-0733. All claims pending in the application are now deemed to be in condition for allowance, which action is earnestly requested.

Respectfully submitted,

Date: February 29, 2008


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